

# ENVIRONMENTAL DEVELOPMENT PERMIT AREA GUIDELINES

DISTRICT OF MACKENZIE

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WORKING DRAFT





# ENVIRONMENTAL AREA DEVELOPMENT PERMIT AREA GUIDELINES

DISTRICT OF MACKENZIE | [SEPTEMBER 2023](#)

PREPARED BY



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# 1. PURPOSE

The purpose of this Environmental Development Permit (EDP) is to establish objectives and provide guidelines for the protection of the natural environment and its ecosystems and biological diversity pursuant to the provisions of the *Local Government Act*. These guidelines establish conditions to protect the natural environment from inappropriate development and to mitigate negative impacts.

The District of Mackenzie protects Environmentally Sensitive Areas (ESAs) through the designation of Development Permit (DP) Areas as defined by the District's OCP. These Environmental Development Permit Areas (EDPA) protect sensitive ecological features from activities that meet the definition of Development specified in Section 2. Development that is proposed within EDPA requires that an EDP application be submitted to the District. This application must show that the development meets the objectives and guidelines of the EDP and is minimizing the development's impact on the natural environment.

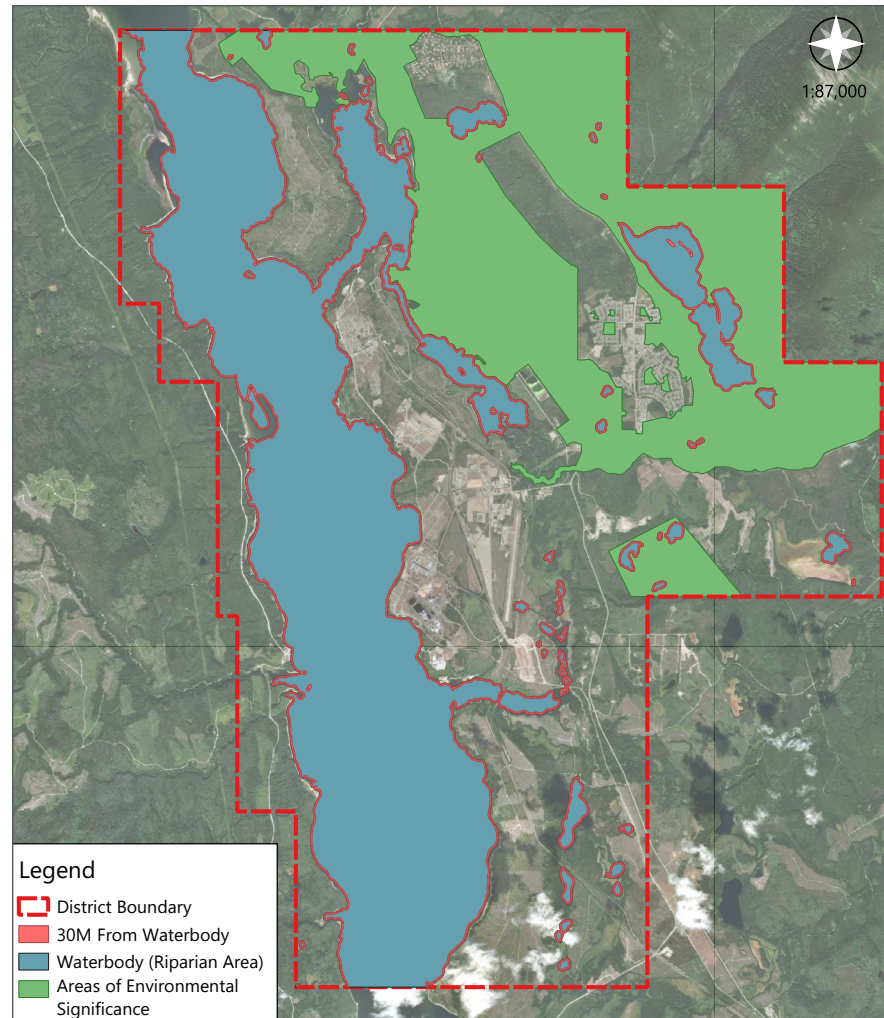
Within the designated area, land must not be subdivided, construction of an addition to or alteration of a building or structure must not be started, and land must not be altered unless the applicable EDPs are first obtained.

## 2. DESIGNATED AREA

A EDP shall be required for all activity defined as development under the Riparian Areas Protection Regulation (RAR) located within 30 m of the high water mark or the top of a waterbody. Riparian areas and Areas of Environmental Significance in the District are shown on Map 1.

Development is defined as follows:

- Removal, alteration, disruption, or destruction of vegetation or disturbance of soils
- Construction or alteration of buildings and structures
- Creation of non-structural impervious or semi-impervious surfaces
- Flood protection works
- Construction of roads, trails, docks, piers, and bridges
- Provision and maintenance of sewer and water services
- Development of drainage systems
- Development of utility corridors
- Subdivision, as defined in the Land Title Act or the Strata Property Act
- Rezoning of lands



MAP 1: ENVIRONMENTAL DEVELOPMENT PERMIT AREA



## 3. EXEMPTIONS

An EDP will not be required for the following:

- Minor interior and exterior renovations to existing buildings that do not negatively impact the natural environment during construction (e.g. movement of machinery), excluding any additions or increases in building volume.
- Developments that have been approved but not yet constructed are honoured provided the approval has not changed.
- Farming and mining activities, hydroelectric facilities, and forest management, including the logging of land are exempt, however, agencies are required to provide a letter of acknowledgment ensuring that activities will not impact the water system that feeds the aquifer for the District (see guidelines 2 (f)).



- **Emergency management:** Procedures to prevent, control or reduce flooding, erosion or other immediate threats to life, public or private property, are temporarily exempted from the requirement to obtain a development permit.
  - » Following completion of emergency procedures, submission of a Development Permit may be required depending on the degree of the works and based on the discretion of the Land and Environmental Coordinator or other delegate. Emergencies eligible for an exemption include:
    - Works to prevent damage to, repair or replace public utilities.
    - Clearing of an obstruction, e.g. from a bridge, culvert or drainage flow.
    - Repairs to bridges or safety fences.
    - Actions required to remove a hazard, including a tree, or to address an unstable steep slope, that presents an imminent danger to the safety of persons or is likely to damage public or private property, as determined by a Qualified Environmental Professional.
- **Public works and services:** The construction, repair and maintenance of works by the District or its authorized agents and contractors are exempt from the formal development approval process, but the works must be completed in accordance with the assessments and recommendations of a Qualified Environmental Professional (QEP) in accordance with the Riparian Areas Protection Regulation Assessment methodology and other applicable environmental regulations and best management practices.
- **Environmental restoration:** restoration of environmentally sensitive areas by planting native vegetation and/or removing non-native invasive vegetation and/or removing garbage with the use of hand tools following a plan that considers disposal, safety, planting, and erosion and sediment control to the satisfaction of the District. If heavy equipment is necessary for the restoration, a detailed environmental management plan prepared by a QEP to the satisfaction of the District is required.

Existing permanent structures, roads, or other developments within the riparian area are considered legal and conforming. Consequently, landowners are entitled to continue using their land in the same manner as they have historically, even if a Streamside Protection and Enhancement Area (SPEA) is designated on it.





# 4. ENVIRONMENTAL DEVELOPMENT PERMITTING PROCESS

The development permitting process requires applicants to submit an EDP application to the District for review. EDPs are not intended to exclude development but provide the District with the opportunity to modify development plans and activities to minimize impacts on these natural areas. The following EDP process is required when development is proposed in this DP area:

1. Confirm project location and EDP designation and sensitivities with District planners to determine if the planned activities trigger an EDP application.
2. If planned activities require an EDP application, the applicant will submit the application form and materials required by the District and pay the relevant application fee.
3. The applicant may be required to submit professional reports prepared by QEP. Additional reports may include but are not limited to geotechnical studies, arborist reports, riparian protected area assessments, and restoration plans. These additional reports may also be required as a condition of issuing the EDP.
4. The District may approve of the proposed activity, request additional information or modifications to the application, or reject it depending on the findings of the review.
5. As part of the EDP review and approval process, the project may be subject to permitting requirements by the District and other regulatory agencies. These requirements may include but are not limited to restoration and enhancement, monitoring and maintenance, application of specific mitigation measures, conveyance of the ESA or a restrictive covenant, and security or bonding. These additional permitting requirements may also be required as a condition of issuing the EDP.

This development permitting process is intended to be a cooperative process between District staff, developers, and QEPs. QEP reports will be used to identify potential impacts that the proposed development may have on the ESA. QEP expertise and experience are required to verify the location and condition of ESA and to recommend detailed protection and restoration options that will satisfy the objectives and guidelines of this EDP policy.





## 5. EDP APPLICATION SUBMISSION REQUIREMENTS

In addition to a completed EDP Application, District staff may also request the following:

1. A QEP report which includes the following information:
  - a. Name(s) and qualifications of the Qualified Environmental Professional (i.e. R.P.Bio, RPF, P.Eng).
  - b. Summary of current site conditions.
  - c. Maps of the location of ESAs, natural features, nests, invasive plant species and any other site characteristics relevant to the ESA.
  - d. Location of watercourses, top of bank/ravine, and the protected riparian area as defined under the DP.
  - e. Summary of the planned development concept.
  - f. Recommendations to ensure that ESAs are protected throughout the development process.
  - g. Location and type of degradation and opportunities for restoration.
2. A restoration plan that is approved by a QEP and contains the following information:
  - a. Location and description of degradation such as encroachment, invasive species infestation or clearing.
  - b. Description of restoration required to restore the area to a natural and healthy plant community.
  - c. Maintenance and monitoring requirements for a 3-year period, requiring at least 80% plant survival.

## Qualified Environmental Professional (QEP) Requirements

All consultants preparing environmental impact assessments for EDP applications must have a professional designation and demonstrate their competence in a relevant area of expertise. “Qualified Environmental Professional (QEP)” is an individual who is a member of a professional body that has demonstrated expertise and knowledge in sensitive environments, ecosystems, and/or riparian management. A QEP is only considered as such for the portion of the assessment that is within their area of expertise.

A QEP must be registered and in good standing with an appropriate professional organization constituted under an Act, acting under that association’s code of ethics and is subject to disciplinary action by that association. The District may require the QEP to provide evidence of training and accreditations. QEPs may include but are not limited to professionals in good standing from the College of Applied Biology, the Association of Professional Foresters, the Engineers and Geoscientists of BC, and the BC Institute of Agrologists.







## 6. AREAS OF ENVIRONMENTAL SIGNIFICANCE GUIDELINES

Before undertaking any of the activities defined as development within the EDP, an owner of a property or appropriate delegate shall apply to the District of Mackenzie for a Development Permit, and the application shall meet the following guidelines:

1. Development applications (unless exempted) shall be accompanied by an environmental assessment (EA) including a site bio-inventory prepared by a QEP. The report shall establish the suitability of the land for development and specify protection measures and any required mitigation, compensation, restoration or enhancement measures.
  - a. The requirement for an environmental review can be waived where the applicant, District government staff, and federal and provincial government agencies agree that development impacts will be negligible.

2. A site bio-inventory prepared by a QEP should identify environmentally valuable features such as:
  - a. Sensitive ecosystems
  - b. Rock outcroppings
  - c. Wildlife species
  - d. Habitat and corridors
  - e. Rare, endangered or regionally significant species and ecosystems
  - f. Aquatic and riparian areas
3. Development will be subject to the recommendations contained in the development approval information provided by the QEP, including but not limited to:
  - a. Development patterns and servicing to minimize impact on the identified features;
  - b. The designation of non-disturbance areas in which no development activity may occur and which may not be impacted by development;
  - c. Buffers and/or building setbacks from the outside edge of the non-disturbance areas; and
  - d. Protection, mitigation and enhancement strategies, which may include a tree replacement plan and a plan to remove non-native (or invasive) plant species.
4. The District Representative (or other District Official) may request a peer review of the QEP at the expense of the applicant to confirm recommendations in the QEP Report.
5. An environmental monitoring program prepared by an R.P.Bio, or other qualified professional if applicable, may form part of the Development Permit to ensure protection of retained environmentally valuable features and non-disturbance areas, as well as compliance with other applicable conditions of the permit.







## 7. RIPARIAN AREA GUIDELINES

Before undertaking any of the activities defined as development within the EDP, an owner of a property or appropriate delegate shall apply to the District of Mackenzie for a Development Permit, and the application shall meet the following guidelines:

1. Development applications (unless exempted) shall be accompanied by an environmental assessment (EA) including a site bio-inventory prepared by a QEP. The report shall establish the suitability of the land for development and specify protection measures and any required mitigation, compensation, restoration or enhancement measures.
  - a. The requirement for an environmental review can be waived where the applicant, District government staff, and federal and provincial government agencies agree that development impacts will be negligible.
2. Development will be subject to the recommendations contained in the development approval information provided by the QEP, including but not limited to:
  - a. Specifying areas of land that must remain free of development, except per any conditions contained in the permit.
  - b. Requirement(s) for specified natural features or areas to be preserved, protected, restored, or enhanced per the permit.





- c. Dedication of natural watercourses and associated buffer areas.
  - d. Specifying works necessary to preserve, protect, restore or enhance natural watercourses or other specified natural features of the environment.
  - e. Requirement(s) for protection measures, including that vegetation or trees be planted or retained to preserve, protect, restore, or enhance fish habitat or riparian areas, control drainage, control erosion or protect banks, or measures to protect species and ecosystems at risk.
  - f. Letter of acknowledgment from the applicant ensuring that activities will not impact the water system that feeds the aquifer for the District of Mackenzie.
3. If the QEP report described in 2) above identifies environmentally sensitive areas (ESAs) not shown on Map 1, then the applicant and the District shall treat those values as if they are shown on Map 1.
  4. If the QEP report described in 2) above confirms that an environmental value relating to a DPA shown on Map 1 is not present or does not affect the subject property, then the applicant and the District shall treat the property as though it is not in the applicable DPA. This includes the case where a QEP determines that there is a physical barrier between the environmental feature and the subject property that creates a functional separation between the two.
  5. Where the QEP report describes an area designated as a Streamside Protection and Enhancement Area (SPEA), the Development Permit will not allow any development activities to take place therein, and the owner will be required to provide a plan for protecting the SPEA over the long term through measures to be implemented as a condition of the DP, such as:
    - a. A dedication back to the Crown, the Province, or the District of Mackenzie.
    - b. Gifting to a nature protection organization such as a conservation authority.
    - c. The registration of a restrictive covenant over the SPEA to secure it as a riparian buffer to remain free of development.



6. Where the QEP report describes an area as suitable for development with mitigating measures, the DP shall allow the development if it is in strict compliance with the measures described in the report.
  - a. Monitoring and regular reporting by professionals retained by the applicant may be required, as specified in the DP.
7. Variances to the zoning bylaw in compliance with the QEP report may be supported.
8. If the nature of a proposed project in a riparian assessment area changes, the QEP will be required to re-assess the proposal concerning the SPEA.
9. Clustering of density is encouraged as a means of preserving ESA.
10. The District may, as part of the development permit, vary the setback requirements from an ESA where it can be demonstrated in a less than desirable existing situation that a net positive improvement for fish or wildlife habitat will result, or, in a more desirable existing situation that no net loss will result, subject to District, Provincial, and or Federal agency review and comment.
11. As a general principle, any buildings damaged or destroyed to the extent of 75% or more of the value above the foundation may be considered for approval for a variance to permit reconstruction on its existing foundation where net positive improvement for fish or wildlife habitat is demonstrated. Any reduction of setback distances within an ESA shall occur in accordance with the findings and recommendations of the technical/environmental report.
12. Ensure the development and associated activities do not impact a stream's base flows, natural drainage patterns, and the natural stream channel geometry.
13. Snow removal and storage areas must be designed and located to avoid adverse impacts on the watershed.
14. Where ESA has been impacted by previous land use or development activities, restoration or enhancement may be required.
  - a. Restoration or enhancement must be directed by a QEP and designed to support ecosystem functionality, including flood mitigation and water quality.



# 8. DEFINITIONS

## **Fish**

All life stages of salmonids, game fish, and regionally significant fish.

## **Fish Habitat**

Water frequented by fish and any other areas on which fish depend directly or indirectly to carry out their life processes, including spawning grounds and nursery, rearing, food supply and migration areas.

## **Environmentally Sensitive Area (ESA)**

Any parcel of land that already has, or with remedial action could achieve, desirable environmental attributes. These attributes contribute to the retention and/or creation of wildlife habitat, soil stability, water retention or recharge, vegetative cover and similar vital ecological functions. Environmentally sensitive areas range in size from small patches to extensive landscape features. They can include rare or common habitats, plants and animals.

## **Invasive Species**

Plants, animals and micro-organisms that colonize and take over the habitats of native species. Most invasive species are also alien (non-native) to the area and can become predominant because the natural controls (predators, disease, etc.) that kept populations in check in their native environment are not found in their new location.

## **Permanent Structure**

Any building or structure that was lawfully constructed, placed or erected on a secure and long-lasting foundation on land in accordance with any local government bylaw or approval condition in effect at the time of construction, placement or erection;

## **Ravine**

A narrow, steep-sided valley that is commonly eroded by running water and with slope grades greater than 3:1.

## **Riparian Area (RA)**

The area adjacent to a stream that may be subject to temporary, frequent or seasonal inundation, and supports plant species that are typical of an area of inundated or saturated soil conditions, and that are distinct from plant species on freely drained adjacent upland sites because of the presence of water;

## **Riparian Assessment Area**

The area around a stream that is determined per section 8 of the Riparian Areas Protection Act.

## **Streamside Protection and Enhancement Area (SPEA)**

An area adjacent to a stream that links aquatic to terrestrial ecosystems and includes both the riparian area vegetation and the adjacent upland vegetation that exerts an influence on the stream, the width of which is determined according to section 6 of the Streamside Protection Regulation.

## **Stream**

A watercourse or source of water supply, whether usually containing water or not, a pond, lake, river, creek, brook, ditch, and a spring or wetland that is integral to a stream and provides fish habitat.

## **Top of the Ravine Bank**

The first significant break in a ravine slope where the break occurs such that the grade beyond the break is flatter than 3:1 for a minimum distance of 15 metres measured perpendicularly from the break, and the break does not include a bench within the ravine that could be developed.

## **Wetland**

Land that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support and under normal conditions that support vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, fens, estuaries and similar areas that are not part of the active floodplain of a stream.





**DOWNTOWN MACKENZIE**  
**ENVIRONMENTAL**  
DEVELOPMENT PERMIT  
AREA GUIDELINES

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